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February 11, 2004

**VIA HAND DELIVERY**

The Honorable Marvin J. Garbis  
 United States District Court  
 for the District of Maryland  
 Northern Division  
 United States Courthouse  
 101 West Lombard St., 5<sup>th</sup> Floor  
 Baltimore, Maryland 21201

Re: *Earle E. Ausherman, et al. v. Bank of America, et al.*  
Case No. MJG 01-CV438

Dear Judge Garbis:

On February 9, 2004 at 4:06 p.m., Plaintiffs in this action filed a Notice of Filing of Document Under Seal, through the Court's e-filing system. As stated in the Notice, the document filed under seal was Plaintiffs' Motion for an Extension of Time (to respond to Defendants' Motion for Attorneys' Fees).

Pursuant to the Court's Electronic Filing Requirements and Procedures, Plaintiffs were required to serve the sealed document upon counsel for the Defendants within 24 hours. *See* Electronic Filing Requirements and Procedures, Sealed Documents, p. 34.

To date, more than 48 hours after the sealed document was filed, Defendants' counsel still has not received a copy of the filing. I have made numerous attempts to obtain the document from counsel for Rodney R. Sweetland, III, but the document still has not been provided.

The purpose of this letter is two-fold. First, Defendants would like the Court to be on notice that they oppose Plaintiffs' Motion for an Extension of Time. Nonetheless, since Defendants have not seen the motion, they cannot be more specific in their opposition. Second, due to the fact that Plaintiffs' current deadline to respond to Defendants' Motion for Attorneys' Fees is this Friday, February 13, Defendants need to respond to Plaintiffs' Motion for an Extension of Time within the next 24 hours. Accordingly, Defendants request that they be

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permitted to pick up a copy of the document filed under seal from the Clerk's office as soon as possible.

Thank you for your assistance in this matter.

Very truly yours,

/s/

Jennifer B. Speargas

cc: Rodney R. Sweetland, III, Esquire  
Peter F. Axelrad, Esquire  
Pamela A. Bresnahan, Esquire